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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,452	12/14/2001	Ralph A. Mosher	D/A1286	1083

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/014,452	Applicant(s) MOSHER ET AL.	
	Examiner Jane Rhee	Art Unit 1745	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 12 October 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,4,6-18 and 21-25.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


YAN
SUPERVISOR/LEAD EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's argument that Arnold et al. fail to disclose the use of an electrically conductive filler in the polyamide adhesive, Schlueter Jr. et al. discloses that the adhesive further comprises electrically conductive fillers (col. 6 lines 50) and that the conductive filler is selected from the group consisting of carbon fillers, metal oxide fillers, polymer fillers, charge transporting molecules and mixtures thereof (col. 9 lines 6-17) wherein the carbon filler is selected from the group consisting of carbon black, graphite, fluorinate carbon, and mixtures thereof (col. 9 lines 10-11) and wherein the electrically conductive filler that is a metal oxide filler selected from the group consisting of titanium dioxide, tin oxide, indium tin oxide, iron oxide aluminum oxide, and mixtures thereof (col. 9 lines 5-10) for the purpose of exhibiting high mechanical strength providing heat-conducting properties this in turn improves the thermal efficiency of a fusing system employing the belt and possessing tailored electrical properties (col. 5 lines 3-6).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Arnold et al. teaches the use of a polyamide adhesive in combination with a thermoplastic material and Parker et al. also teaches the use of a polyamide adhesive in combination with a thermoplastic material. Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Parker et al. with the adhesive that comprises polyamide, oxalic acid, a plasticizer, bisphenol of 5%wt, and wherein the adhesive is crosslinked in order to increase the adhesion of the polyamide (col. 3 lines 59-61) as taught by Arnold et al.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Schlueter Jr. teaches a thermoplastic substrate filled with a conductive filler and Parker et al. and Arnold et al. teaches the use of a polyamide adhesive in combination with a thermoplastic material. Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Parker et al. with the adhesive further comprises electrically conductive fillers wherein the conductive filler is selected from the group consisting of carbon fillers, metal oxide fillers, polymer fillers, charge transporting molecules and mixtures thereof, wherein the carbon filler is selected from the group consisting of carbon black, graphite, fluorinate carbon, and mixtures thereof and wherein the electrically conductive filler that is a metal oxide filler selected from the group consisting of titanium dioxide, tin oxide, indium tin oxide, iron oxide aluminum oxide, and mixtures thereof in order to exhibit high mechanical strength providing heat conducting properties this in turn improves the thermal efficiency of a fusing system employing the belt and possessing tailored electrical properties (col. 5 lines 3-6) as taught by Schlueter Jr. et al.

In response to applicant's argument that there is no motivation to combine Yamaski et al. with Schlueter Jr. et al. and the adhesives of Parker et al. and Arnold et al., Schlueter Jr. teaches a thermoplastic substrate filled with a conductive filler selected from the group consisting of carbon fillers, metal oxide fillers, polymer fillers, charge transporting molecules and mixtures thereof, wherein the carbon filler is selected from the group consisting of carbon black, graphite, fluorinate carbon, and mixtures thereof and wherein the electrically conductive filler that is a metal oxide filler selected from the group consisting of titanium dioxide, tin oxide, indium tin oxide, iron oxide aluminum oxide, and mixtures thereof in order to exhibit high mechanical strength providing heat conducting properties this in turn improves the thermal efficiency of a fusing system employing the belt and possessing tailored electrical properties (col. 5 lines 3-6) and Yamaski et al. teaches that the electrically conductive filler is a quaternary ammonium salt for the purpose of creating an electrically conductive substrate (col. 1 lines 24-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Parker et al. with the electrically conductive filler is a quaternary ammonium salt in order to create an electrically conductive substrate (col. 1 lines 24-25) as taught by Yamaski.

In response to applicant's argument that Pistola is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Pistola teaches that its notoriously well known in the art that conductive fillers comprise an electrically conductive polymer such as a polypropylene or polyacetylene, therefore, since Schlueter Jr. et al. teaches electrically conductive fillers in thermoplastic adhesive, it would have been obvious to one having ordinary skill in the art to provide a notoriously well known conductive filler, polypropylene to the adhesive in absence of unexpected results.